IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 24921 of 2003

Between:

K. Venkataiah, S/o. Balanarayana, Hindu, E-150953, APSRTC, Gadal Bus Depot, Mahabubnagar District.

..... PETITIONER

AND

The Depot Manager, APSRTC, Gadwal Bus Depot, Mahabubnagar District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of the respondent in passing final order in C.No. M1/2(6)/2003-Gadwal, dated 18-11-2003 by deleting the petitioner's name from the approved/select list of Drivers in Mahabubnagar Region as bad, arbitrary, illegal, contrary to the regulations and violative of principles of natural justice and consequently set aside the same by directing the respondents to allow and continue the petitioner in service as driver.

Counsel for the Petitioner:MR.P.VENKATESWAR RAO

Counsel for the Respondent: MR.K.HARINATH & MR.P.VINAYAKA SWAMY

The Court made the following O R D E R:

The petitioner seeks a Writ of Mandamus declaring the action of the respondent in passing the final orders on 18.11.2003, by deleting the name of the petitioner from the approved/selected list of drivers in Mahabubnagar Region as illegal, arbitrary and contrary to the regulations.

The case of the petitioner is that pursuant to the notification in the year 1999, he was selected to the post of driver and subsequently after medical test and undergoing training, he was allowed to the duties of driver from March, 2000. The petitioner filed W.P.No.12438 of 2003 seeking regularization. While the petitioner was conducting bus No.AP 11Z 1707 on route Gadwal to Srisailam on 21.10.2003, he caused an accident. Hence, a show cause notice was issued to the petitioner and he gave his explanation on 10.11.2003. Thereafter, the respondent passed the final orders on 18.11.2003 deleting the name of the petitioner from the selected/approved list of drivers for causing an accident. The grievance of the petitioner is that the respondent without conducting any enquiry passed the final orders. Hence this writ petition.

A detailed counter has been filed by the respondent-Corporation stating that there is clear evidence that the petitioner was in good speed and failed to control the vehicle and dashed against the parked lorry. Hence there are no merits in the writ petition.

Perused the record.

Admittedly, no regular departmental enquiry was conducted before deleting the

name of the petitioner from the selected/approved list of drivers. According to the petitioner, regular departmental enquiry has to be conducted and the same has not been denied or disputed by the respondent-Corporation in their counter. In my considered opinion, deleting the name of the petitioner from the selected/approved list is a major punishment, which cannot be imposed unless preceded by a regular departmental enquiry. Therefore, the impugned order suffers from serious legal infirmities as the principles of natural justice are violated and is liable to be set aside.

Accordingly, the writ petition is allowed setting aside the impugned order dated 18.11.2003. However, this order will not preclude the respondent-Corporation in taking appropriate action after conducting regular departmental enquiry as per regulations. No costs.

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(k.C.BHANU,J)

Dt:06th June, 2005

usd

To

1. The Depot Manager, APSRTC, Gadwal Bus Depot, Mahabubnagar District.
2. Two CD copies.